Remarks

Reconsideration is requested in view of the preceding amendments and the following remarks. By this Amendment, claims 24 and 31-36 are cancelled without prejudice. Upon entry of this Amendment, claims 17-22, and 37 are in the application.

The Office action of January 9, 2004 stated that the drawings filed November 20, 2001 are objected to by the Examiner. Replacement drawings were submitted on February 25, 2003 and were found acceptable in an Office action dated May 6, 2003. If additional copies are needed, please contact the undersigned attorney.

The rejections of claims 24 and 31-36 are moot in view of the cancellation of these claims without prejudice.

Claims 17-22, and 37 stand rejected as allegedly anticipated by or obvious in view of Aravamudan et al., U.S. Patent 6,301,609 ("Aravamudan"). This rejection is traversed. Claim 17 recites a messaging method that comprises selecting a message type for a message intended for delivery to at least one selected recipient. Application presence data associated with the recipient and an application associated with the selected message type is evaluated, and the message is processed based on the evaluation. Aravamudan does not teach or suggest such a method. Instead, Aravamudan discloses detecting if a user has logged onto or connected to a network. Col. 7, lines 1-5. If a user is connected to the network, then client premises equipment software generates a message indicating the user's online status. Col. 7, lines 5-9. If the user has logged on (i.e., is online), an instant messaging session is initiated to inform the user of pending events such as email messages, voice mail messages, and delivery of web pages. Col. 7, lines 26-30. If there are no pending events, the instant messaging session is terminated, but the user's online status is preserved. Col.7, lines 35-36. Thus, according to Aravamudan, a network maintains a record of whether a user is connected to the network, but

Aravamudan is silent concerning whether a user has initiated a particular application, i.e., Aravamudan is silent concerning <u>application presence</u>. As noted above, Aravamudan suggests maintaining a user status as online even if a messaging application has been terminated. Accordingly, claim 17 and dependent claims 18-22 and 37 are properly allowable over Aravamudan.

In view of the preceding remarks, claims 17-22 and 37 are in condition for allowance and action to such end is requested.

Respectfully submitted,

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